

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1404**

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MAVIES WINGLER,

Plaintiff - Appellant,

versus

GROUP LOTTO, a foreign Corporation,

Defendant - Appellee.

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Appeal from the United States District Court for the Southern  
District of West Virginia, at Charleston. John T. Copenhaver, Jr.,  
District Judge. (CA-01-518-2)

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Submitted: July 29, 2004

Decided: August 3, 2004

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Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Mavies Wingler, Appellant Pro Se. John Joseph Nesius, Bruce  
Michael Jacobs, Kevin Paul Davis, SPILMAN THOMAS & BATTLE, PLLC,  
Charleston, West Virginia; Bruce Ethan Robins, FEDER, KASZOVITZ,  
ISAACSON, WEBER, SKALA, BASS & RHINE, New York, New York, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Mavies Wingler appeals from the district court's order granting summary judgment in favor of Group Lotto in her action in which she asserted that she chose the winning numbers for a lottery drawing that had a \$10 million jackpot prize. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that summary judgment be granted in Group Lotto's favor and advised Wingler that failure to file timely specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Wingler failed to file specific objections to the magistrate judge's recommendation; rather, in response to the recommendation, she merely restated her claims.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Wingler has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED